

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

**DAVID L. DANIELS,**

**Petitioner,**

**v.**

**SCOTT CROW,<sup>1</sup>**

**Respondent.**

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**Case No. CIV-19-374-R**

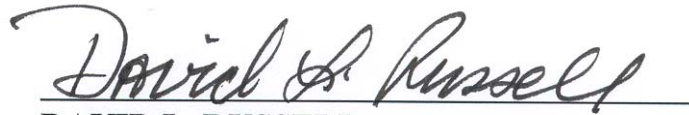
**ORDER**

Petitioner filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(b)(1)(B), the matter was referred to United States Magistrate Judge Shon T. Erwin for preliminary proceedings. On May 2, 2109, Judge Erwin recommended that Petitioner's Application for Leave to Proceed *In Forma Pauperis* be denied and that Petitioner be ordered to pay the \$5.00 filing fee. The Court granted Petitioner's May 17, 2019 request for additional time in which to submit payment of the fee, and the Court received the \$5.00 on June 27, 2019. Accordingly, the Court hereby adopts the Report and Recommendation, Petitioner's Motion for Leave to Proceed *In Forma Pauperis* is DENIED and the matter is recommitted to Magistrate Judge Erwin for additional proceedings.

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<sup>1</sup> On June 12, 2019, Joe Allbaugh, the originally named Respondent herein resigned as Director of the Oklahoma Department of Corrections and was replaced by Scott Crow, Interim Director. Pursuant to Fed.R.Civ.P. 25 Scott Crow is hereby substituted as Respondent.

IT IS SO ORDERED this 28<sup>th</sup> day of June 2019.

A handwritten signature in black ink, reading "David L. Russell", written over a horizontal line.

DAVID L. RUSSELL

UNITED STATES DISTRICT JUDGE